

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LAWANDA LASHA HOUSE JOHNSON,)	Civil Action No:
Individually and as Representative of a Class)	2:20-cv-07936-SDW-LDW
of Similarly Situated Persons, and on Behalf)	
of the PROFIT SHARING PLAN OF)	
QUEST DIAGNOSTICS)	
INCORPORATED,)	
)	
Plaintiff,)	
)	
vs.)	
)	
QUEST DIAGNOSTICS)	
INCORPORATED, PROFIT SHARING)	
PLAN OF QUEST DIAGNOSTICS)	
INCORPORATED BENEFITS)	
ADMINISTRATION COMMITTEE,)	
PROFIT SHARING PLAN OF QUEST)	
DIAGNOSTICS INCORPORATED)	
INVESTMENT COMMITTEE, and DOES)	
NO.1-20,)	
)	
Defendants.)	
)	
)	

REBECCA A. RICE, SHALAMAR) Civil Action No:
CURTIS and RAQUEL AZIZ,) 2:20-cv-09540-CCC-ESK
Individually and on Behalf of all others)
Similarly Situated,)
Plaintiffs,)
)
vs.)
)
QUEST DIAGNOSTICS INC., QUEST)
DIAGNOSTICS INC. BENEFITS)
ADMINISTRATION COMMITTEE,)
QUEST DIAGNOSTICS INC.)
INVESTMENT COMMITTEE, and DOES)
NO.1-30,)
Defendants.)
)
)
)
)
)

**STIPULATION AND [PROPOSED] ORDER REGARDING CONSOLIDATION OF
RELATED CASES, APPOINTMENT OF LEAD PLAINTIFFS AND CO-LEAD
COUNSEL, SCHEDULE FOR CONSOLIDATED AMENDED COMPLAINT AND
DEFENDANTS' RESPONSE**

Plaintiffs, Lawanda Lasha House Johnson (the “*Johnson* Plaintiff”); Plaintiffs, Rebecca A. Rice, Shalamar Curtis and Raquel Aziz (the “*Rice* Plaintiffs” and together with the *Johnson* Plaintiff, “Plaintiffs”); and Defendants, Quest Diagnostics Inc., the Profit Sharing Plan of Quest Diagnostics Inc. Benefits Administration Committee a/k/a Quest Diagnostics Inc. Benefits Administration Committee, and the Profit Sharing Plan of Quest Diagnostics Inc. Investment Committee a/k/a Quest Diagnostics Inc. Investment Committee (“Defendants” and together with Plaintiffs, the “Parties”), by and through their respective counsel, hereby agree and stipulate to the following:

WHEREAS, on June 29, 2020, the *Johnson* Plaintiff, by and through her attorneys, Shepherd Finkelman Miller & Shah LLP, filed a putative class action complaint against certain Defendants alleging claims under Sections 409 and 502 of the Employee Retirement Income Security Act (“ERISA”) (the “*Johnson* Complaint”);

WHEREAS, on July 28, 2020, the *Rice* Plaintiffs, by and through their attorneys, Capozzi Adler P.C., filed a putative class action complaint against certain Defendants alleging similar claims as those alleged in the *Johnson* Complaint based on the same provisions of ERISA (“the *Rice* Complaint” and together with the *Johnson* Complaint, the “Initial Complaints”);

WHEREAS, service of process has been effected on Defendants or Defendants have agreed to accept service as part of the Parties’ agreement herein to consolidate and coordinate the cases;

WHEREAS, the Parties agree that the above-captioned actions (the “Actions”) should be consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42(a);

WHEREAS, consolidation of the Actions for all purposes is appropriate given the similar and overlapping questions of law and fact involved in the Actions;

WHEREAS, consolidation of the Actions for all purposes will promote judicial economy and avoid unnecessarily duplicative efforts;

WHEREAS, the Parties have agreed that, after the consolidation of the Actions, Plaintiffs will file a consolidated amended complaint (“Consolidated Amended Complaint”), and Defendants anticipate filing a motion to dismiss the Consolidated Amended Complaint;

WHEREAS, the Parties have agreed that, in light of Plaintiffs’ intention to file a Consolidated Amended Complaint, Defendants need not respond to the Initial Complaints;

WHEREAS, the *Johnson* Plaintiff and *Rice* Plaintiffs have agreed to serve as lead plaintiffs (“Lead Plaintiffs”), and their attorneys, Capozzi Adler P.C. and Shepherd Finkelman Miller & Shah LLP have agreed to serve as co-lead counsel (“Co-Lead Counsel”) pursuant to Federal Rule of Civil Procedure 23(g);

NOW, THEREFORE, the Parties, through their undersigned attorneys and subject to the Court’s approval, stipulate and agree that:

CONSOLIDATION OF RELATED ACTIONS

1. The Actions shall be consolidated for all purposes and shall be referred to and captioned as “*In re Quest Diagnostics ERISA Litigation*” (the “Consolidated Action”).

2. The Consolidated Action shall bear the Master File No. 2:20-cv-07936-SDW-LDW. Any document filed in the Master File No. 2:20-cv-07936-SDW-LDW shall be deemed to have been filed in all of the Actions.

3. When a case that arises out of the subject matter of this action is hereinafter filed in this Court or transferred to this Court from another Court and thereafter is consolidated with the Consolidated Action, the Clerk of this Court shall:

- a. File a copy of this Order in the separate file for such action;
- b. Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly filed or transferred case and to any new defendant(s) in the newly filed or transferred case; and
- c. Make the appropriate docket entry for this action.

APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL

4. The *Johnson* Plaintiff and *Rice* Plaintiffs are appointed to serve as Lead Plaintiffs for the putative class.

5. Capozzi Adler P.C. and Shepherd Finkelman Miller & Shah LLP are appointed to serve as Co-Lead Counsel for the putative class.

6. Co-Lead Counsel shall have the following responsibilities:
- a. to coordinate briefing and argument on any and all motions;
 - b. to coordinate the conduct of any and all discovery proceedings;
 - c. to coordinate the examination of any and all witnesses in depositions;
 - d. to coordinate the selection of counsel to act as spokesperson at all pretrial conferences;
 - e. to call meetings of the plaintiffs' counsel as they deem necessary from time to time;
 - f. to coordinate all settlement negotiations with counsel for Defendants;
 - g. to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter;
 - h. to coordinate the preparation and filings of all pleadings; and

- i. to supervise all other matters concerning the prosecution or resolution of the Consolidated Action.

7. With respect to scheduling and/or procedural matters, Defendants and their counsel may rely upon all agreements with Co-Lead Counsel.

8. No pleadings or other papers shall be filed or discovery conducted by any plaintiff in the Consolidated Action except as directed and undertaken by Co-Lead Counsel.

9. With respect to any documents that are not subject to electronic filing as specified in the Court's electronic filing rules and procedures, Defendants shall effect service of papers on Plaintiffs by serving copies on Co-Lead Counsel by email or electronic file transfer. With respect to any documents that are not subject to electronic filing as specified in the Court's electronic filing rules and procedures, Lead Plaintiffs shall effect service of papers on Defendants by serving copies on Defendants' undersigned counsel by email or electronic file transfer.

**SCHEDULE FOR CONSOLIDATED AMENDED COMPLAINT AND
DEFENDANTS' RESPONSE**

10. Defendants' time to answer, move, or otherwise respond to the Initial Complaints is suspended.

11. Lead Plaintiffs shall file a Consolidated Amended Complaint on or before October 2, 2020.

12. Defendants shall answer, move, or otherwise respond to the Consolidated Amended Complaint on or before December 15, 2020.

13. Lead Plaintiffs shall oppose any motion to dismiss filed by Defendants within thirty (30) days of the filing of that motion.

14. Defendants shall reply to Lead Plaintiffs' opposition within twenty-one (21) days of the filing of the opposition.

Dated: October 1, 2020

Respectfully Submitted,

SHEPHERD, FINKELMAN,
MILLER & SHAH, LLP

/s/ James C. Shah

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Attorneys for Defendants

IT IS SO ORDERED.

s/Susan D. Wigenton

The Honorable Susan D. Wigenton

Dated: October 2, 2020